

**Remarks:**

Claims 1-14 remain pending in the application. Claims 1-10 stand rejected under 35 USC § 112 as being indefinite. Claims 1-14 stand rejected under 35 USC § 102(e) based on Sevcik et al. (US Patent No. 6,330,542). Applicant traverses the rejections of claims 1-14. However, in order to further prosecution of this application, applicant has amended the claims to clarify his position.

In view of the amendments above, and the remarks below, applicant respectfully requests reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

**Claim Rejections Under 35 USC § 112**

In the Office action, the Examiner states that claim 1 cites a "computer-implemented method" in the preamble, but fails to cite a computer in the body of the claim and is therefore indefinite. Without necessarily conceding the Examiner's assertion, applicant has amended this claim to include a computer in the body of the claim. The rejections under 35 USC § 112 thus is overcome. If the Examiner disagrees, applicant requests that the Examiner specify an appropriate amendment.

**Claim Rejections Under 35 USC § 102(e)**

As noted above, claims 1-14 stand rejected under 35 USC § 102(e) based on Sevcik et al. Sevcik et al. discloses a system and method for managing the quoting and procurement of commercial printing.

In particular, Sevcik et al. describes an automated Internet quoting and procurement system that provides a graphical interface between buyers of commercial printing and the providers. The buyer enters variable specifications such as quantity, paper grades, the number of ink colors, and the delivery zip code, to obtain a quote from a commercial printer. Pricing is for the service of printing a particular job based on standardized printing and freight pricing schedules.

Sevcek et al. does not specify the manner in which freight cost is determined, other than to indicate that the system "computes the weight of the order based on the quantity and paper weight and computes the freight at 68 by choosing the most competitive shipping method." Freight pricing thus is estimated based only on the number of sheets, with no consideration of what is printed on such sheets.

As recognized by applicant, actual postage needed may be calculated by considering various factors which affect weight of a print job. These factors may be determined based on predefined electronic print job attributes that include weight-determining factors that include at least one of printer technology, ink/toner coverage and ink/toner weight. Sevcek et al. fails to recognize printer technology, ink/toner coverage and ink/toner weight as having any impact on freight.

Claims 1, as amended, recites a computer-implemented method of determining postage for a print job, the method including providing an electronic print job having predefined electronic print job attributes that identify "weight-determining factors including at least one of printer technology, ink/toner coverage and ink/toner weight." As further recited in claim 1, these weight-determining factors are used in calculating a weight of the electronic print job, and the resulting calculated weight is used in calculating postage for the electronic print job.

Sevcek et al fails to disclose or suggest calculation of weight of an electronic print job based on at least one of printer technology, ink/toner coverage and ink/toner weight, as recited in claim 1. Sevcek et al. thus also fails to disclose or suggest use of such weight-determining factors in calculating postage for the electronic print job. At best, Sevcek et al. computes freight based on a general characterization of the media (i.e. paper weight) and the quantity of media sheets. Claim 1 thus is allowable over Sevcek et al. and the rejection of claim 1 under 35 USC § 102(e) based on Sevcek et al. should be withdrawn. Claims 2-10 depend from claim 1, and thus are allowable for at least the same reasons as claim 1.

Sevcek et al. also fails to disclose "automatically applying a postage rate scale" as recited in claim 2. Sevcek et al. does nothing more than note that the additional information about postal regulations and rates are available as a pull-down menu. Claim 2 thus cannot be anticipated by Sevcek et al. under 35 USC § 102(e), and the rejection of claim 2 must be withdrawn. The rejections of claims 3-4 and 6-9 under 35 USC § 102(e) also must be withdrawn as these claims depend from claim 2, and thus include the subject matter of claim 2.

There also is no disclosure or suggestion by Sevcek et al. to use the predefined electronic print job attributes to identify size-determining factors for use in determining a parcel size for the electronic print job, which parcel size is used in calculating postage, as recited in claim 3. There is not even any specific recognition that parcel size affects postage. Claim 3 thus cannot be anticipated by Sevcek et al under 35 USC § 102(e), and the rejection of claim 3 must be withdrawn. The rejections of claims 4 and 6-9

under 35 USC § 102(e) also must be withdrawn as these claims depend from claim 3, and thus include the subject matter of claim 3.

Claim 11 recites a postal calculator including a storage medium having instructions executable to provide for the steps of providing an electronic print job having a set of predefined electronic print job attributes that identifies "weight-determining factors including at least one of printer technology, ink/toner coverage and ink/toner weight." As further recited, these weight-determining factors are used in calculating a weight of the electronic print job, and the resulting calculated weight is used in calculating postage for the electronic print job. Sevcek et al fails to disclose or suggest calculation of weight of an electronic print job based on at least one of printer technology, ink/toner coverage and ink/toner weight, as recited in claim 11. Claim 11 thus is allowable over Sevcek et al. and the rejection of claim 11 under 35 USC § 102(e) based on Sevcik et al. should be withdrawn. Claims 12-14 depend from claim 11, and thus are allowable for at least the same reasons as claim 11.

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Conclusion

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner T. Nguyen, Group Art Unit 3629, Assistant Commissioner for Patents, at facsimile number (703) 305-7687 on October 1, 2004.



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